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6 IN THE UNITED STATES DISTRICT COURT
7
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

No. CR 14-00306 WHA

12 v.

13 LUKE D. BRUGNARA,

NOTICE RE EVIDENTIARY ISSUE

14 Defendant.
15 _____/

16 When we resume on Monday, both sides shall be prepared to address whether or not, if he
17 testifies, defendant may rebut the inference of consciousness of guilt, as asserted by the government
18 as a result of the absconding, by testifying, if true, that his actual intent in fleeing was to retain
19 counsel and return to fight the charges; and whether or not, if he so testifies, he may further testify
20 that he left voicemails with potential counsel and the courtroom clerk consistent with such intent.
21 This would not necessarily get the voicemails themselves into evidence but would get into evidence
22 the fact of the voicemails. All of this has to do with the inference of consciousness of guilt and
23 does not involve a defense to the escape charge.

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25 **IT IS SO ORDERED.**

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27 Dated: May 9 , 2015.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE